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1. Response to Restriction Requirement (2 pages)

Application No.: 10/708,658
Filed: March 17, 2004
Inventor: Herdman
Attorney Docket No.: EZL-001M

COMMENTS:

Attorney Docket No. EZL-001M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Rodrick A. HERDMAN : Confirmation No. 2657
Serial No. 10/708,658 : Group Art Unit 3676
Filed March 17, 2004 : Examiner GALL, Lloyd A.
RAPID-CHANGE LOCK :
:

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OCT 13 2005

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The primary examiner issued a restriction requirement on June 10, 2005, restricting the claims into two inventions: Group I, claim 1-8, drawn to a stretching device, and Group II, drawn to a kit comprising the stretching device.

Restriction Requirement

Applicant has provisionally elected with traverse to prosecute the invention of Group I, claims 1-4, 6-15, 22, 23 and 44-67, drawn to a changeable lock assembly. Claims 24, 25, 27 and 28 to Group II, drawn to a method of reprogramming a lock, are withdrawn.

Traverse of Restriction Requirement

The examiner states that the inventions are distinct because either or both of the following are true:

- (A) the process of using as claimed can be practiced with another materially different product; and
- (B) the product as claimed can be used in a materially different process.

Application No. 10/708,658

Amendment date 10/05

Reply to Office Action of 09/20/05

The Examiner gives as an example that the product can be used with a materially different process, such as inserting the "third" user key in claim 24 without using a second key.

The Applicant respectfully traverses the restriction requirement.

First, the Rules require that the other process or other product be "materially different".

The example provided by the Examiner is not "materially" different. In fact, the Examiner's example is described in Applicants specification at para 187, 8th sentence ("Using any key of the subset that is configured to displace one or more additional change balls than the current number and configuration of change balls 56 that are displaced, will change the corresponding configuration of driver 20, tumbler 22, and change ball 56 to match that key.")

Furthermore, in Applicant's process claim 24, the examiner's "third" key (presumably, a third key in a series of user keys) would become the second key of the claim, and some "fourth" key of the series of keys would be provided as the third key of the claim to displace one additional change member and replace the "third" user key.

Therefore, Applicant contends that the apparatus and process for use claim can not be practiced in materially different ways, such that the Examiner's restriction requirement is improper. Applicant requests withdrawal of the restriction requirement, and a prompt allowance of all claims.

Conclusion

Applicants request withdrawal of the restriction requirement with respect to the invention of claims 24, 25, 27 and 28, and a prompt allowance of all claims.

Respectfully submitted,

FOR: Rodrick A. HERDMAN

By _____


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October 13, 2005